IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: OIP) Confirmation No.: 9179
Gene Gould and Michael J. Conrad APR 16 2002 5) Group Art Unit: Unknown
TER CHE'S) Examiner: Unknown
Serial No.: 10/039,769))
Filed: December 31, 2001))
For: SCANNING SPECTROPHOTOMETER)
FOR HIGH THROUGHPUT FLUORESCENCE)
DETECTION AND FLUORESCENCE)
POLARIZATION)
)

DECLARATION OF VICTOR J. CASTELLUCCI

IN SUPPORT OF PETITION UNDER 37 C.F.R. § 1.47(a)

Box MISSING PARTS Commissioner for Patents Washington, 0.0. 20231

Sir:

- I, Victor J. Castellucci, declare as follows:
- 1. I am the attorney of record for U.S. Application Serial No. 10/039,769 filed December 31, 2001 entitled "Scanning

CERTIFICATE OF MAILING BY EXPRESS MAIL Under 37 C.F.R. § 1.10

I hereby certify under 37 C.F.R. § 1.10	O that this Response and corre	sponding
transmittal documents are being deposit	ted with the United States Pos	tal Service as
Express Mail Post Office to Addressee	with sufficient postage on the	date indicated
below and is addressed to Box Missing	Parts, the Commissioner for Pa	tents, Washington,
n C 20231	. — 1	

Dated: _	4-15-02	1 A Ceusello

Signature
KIM A. CABELLO

Type Name

EV 092 576 508 US

Express Mail Label No.

Spectrophotometer For High Throughput Fluorescence Detection and Fluorescence Polarization."

- 2. On March 8, 2002, I caused a replacement set of application documents including specification, claims and drawings, as well as a Combined Declaration and Power of Attorney and Assignment to be sent to Gene Gould at his last known address in Carlsbad, California by Federal Express (Tracking No. 7903 3734 0185) (copy of Federal Express Airbill attached to Petition as Exhibit C). Included with these documents was a prepaid Federal Express Label addressed to the undersigned, Applicant's attorneys.
- 3. A copy of the March 8, 2002 letter to Dr. Gould is attached as Exhibit B to the Petition submitted herewith.
- 4. The Federal Express package was returned to sender on March 13, 2002, with a notation made by the Federal Express delivery driver that "recipient not at this address."
- 5. Dr. Gould is no longer employed at Chromagen; Dr. Gould left no forwarding address information, and his current whereabouts are unknown. Attempts by Chromagen personnel to contact Dr. Gould have been unsuccessful.
- 6. Despite our efforts to have Dr. Gould execute the documents for this application, including the Combined Declaration and Power of Attorney, we have been unable to obtain his signature.

I hereby declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false

statements, and the like, so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements made jeopardize the validity of the application or any patents issued thereon.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 15th day of April, 2002.

Volu Chleni Reg. No. 43,535 Victor J. Castellucci